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REMARKS

The foregoing amendment amends Claims 1 and 7. Upon entry of the foregoing amendment, Claims 1-18 are pending in the application, with Claims 1 and 7 being independent claims. The Examiner previously rejected Claims 1 and 7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,878,215 to *Kling et al.* in view of U.S. Pat. No. 6,128,602 to *Northington et al.*

Claim 1

Kling describes a protocol for use with a switch that is connected to a number of remote terminals, as well as financial institutions and/or service providers. The protocol is illustrated in Fig. 2 and includes one or more batch transmissions from a remote device. Each batch transmission is related to a particular type of service request and includes an urgency indicator. The urgency indicator is assigned by the remote device prior to its receipt by the switch and is "defined by the type of service requested or optionally by the customer's preference." Col. 6, lines 30-31. In contrast, Claim 1 requires assigning a lower priority to messages ready for posting relative to a second type of messages in response to receiving transactions. *Kling* only describes that the switch receives an urgency indicator assigned by the remote device. The switch cannot assign a priority to a service request in response to receiving the transmission.

Kling describes that the switch responds immediately to a "transaction interactive" urgency indicator, responds after all messages in the batch have been received to a "batch interactive" urgency indicator or not at all to a "non-interactive" urgency indicator. *Kling* only describes that the timing of the switch's response to the remote device is based on the urgency indicator. *Kling* does not describe that the processing of the service request is affected by the urgency indicator. In particular, *Kling* describes that

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> The switch responds to the access device using the same protocol at a response priority based upon the urgency indicators in the data group. The switch then communicates with the appropriate financial institution or service provider to complete the transaction or processes, the transaction.

Col. 2, lines 61-66. *Kling* does not describe that the financial institution or service provider even considers the urgency indicator when processing the transaction.

Kling is directed to a protocol for use with a particular system. There is nothing in *Kling* to suggest anything other than traditional transaction processing. In particular, *Kling* does not describe or suggest anything other than traditional batch processing for postings or account balance calculations. Although *Kling* states that "[a]n example of a request requiring an interactive response is an account balance request where the customer at the remote access device needs an immediate response" at Column 5, lines 13-16, *Kling* only describes that the response is provided immediately. *Kling* does not describe that the account balance is calculated in real-time or in response to the receipt of a transaction. The account balance could be the balance last calculated, *i.e.*, the balance calculated the previous night. In particular, *Kling* does not describe how an account balance could be calculated in real-time given the distributed nature of the system described. In contrast, Claim 1 requires posting transactions when system resources are available <u>in response to receiving transactions</u>. "With batch processing, the financial status of entities is calculated once a day whereas with the invention balances are updated continuously, as transactions that affect them are processed." Specification, page 146, lines 7-9.

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Claim 7

As described above in connection with Claim 1, *Kling* describes an urgency indicator that is associated with a service request. Although a service request may be associated with an account, the urgency indicator is associated with a service request, not an account. In Fig. 2, of *Kling* a service request is illustrated for a funds transfer request (211-219). The data group associated with the service request includes an identification of the financial account to be debited (215) and the financial account to be credited (217). Col. 5, lines 30-44. The urgency indicator is associated with the service request, not with either of the accounts identified. Thus, K*ling* does not describe an urgency indicator or rule which is associated with an account. In contrast, Claim 7 requires "identifying all rules associated with the account."

The Examiner admitted that *Kling* does not describe a rule that is changed by modifying the parameter stored in the database. However, the Examiner alleged that it would be obvious to modify the urgency indicators described by *Kling*. There is no suggestion that the urgency indicators described by *Kling* can be modified at all, let alone be modified via parameter modification, as required by Claim 7.

The Examiner also alleged that *Northington* describes a database containing rules for controlling processing of an account. However, the cited section of *Northington* merely describes that a database can store data, such as "master account data, account spending control data and transaction data." The cited section of *Northington* does not describe a database that stores at least one parameter of a rule, as required by Claim 7.

As discussed above in connection with Claim 1, *Kling* does not describe or suggest anything other than traditional batch processing. There is nothing in *Kling* to suggest that balances are propagated in response to receiving a transaction, as required by Claim 7.

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INTERVIEW SUMMARY

On November 4, 2003, a telephonic interview was conducted between Examiner Charles Kyle and the undersigned. During the interview *Kling* was discussed as well as possible claim amendments to Claims 1 and 7. No agreement was reach during the interview.

CONCLUSION

In light of the foregoing, it is respectfully submitted that the pending claims are allowable and a notice of allowance is respectfully requested. If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact Brenda Holmes at 404.685.6799.

Respectfully submitted,

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